

## REMARKS

Claims 1 – 6 are pending and under consideration in the above-identified application.

In the Final Office Action, Claims 1 – 6 were rejected.

In this Amendment, Claims 1, 2, and 4 – 6 have been amended. No new matter has been introduced as a result of this Amendment.

Accordingly, Claims 1 – 6 remain at issue.

### **I. Double Patenting**

Claims 1, 4, 5, and 6 were again provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1, 4, 10, and 11, respectively, of copending Application No. 10/805,207.

As stated in the prior response, Applicant reserves again the right, without acquiescing in the merits of the rejection, to file an appropriate Terminal Disclaimer upon the issuance of the '207 copending application. The rejection thus has been overcome.

### **II. 35 U.S.C. § 103 Obviousness Rejection of Claims 1, 2, 4, 10, 11, and 13**

Claims 1, 2, 4, 10, 11, and 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Tsuchiya (U.S. Publication No. 2001/0038716) in view Nakajima (U.S. Publication No. 2004/0008902).

Claim 1 is directed to a signal processing apparatus.

In relevant part, Claim 1 recites:

“...a flag setting step of calculating a difference in levels between the signal of attention and a neighbouring signal, judging whether or not the difference is larger than a predetermined threshold value, and raising flags for the neighbouring signal and another neighbouring signal, the two neighbouring signals are arranged symmetrically with respect to the signal of attention, when the difference is judged to be larger than the predetermined threshold value; and

a control unit for controlling and causing the weighted average unit to average by weight the signal of attention and the predetermined neighbouring signals, using the level of the signal of attention instead of the level of each of the neighbouring signals for which flags are raised.”

That is, a flag is raised for each of two neighbouring signals, symmetrically arranged about the signal of attention, when a difference in levels between the signal of attention and one of the neighbouring signals is larger than a predetermined threshold value, and a control

unit causes the weighted average unit to average by weight the signal of attention and the predetermined neighbouring signals, using the level of signal of attention instead of the level of each of the two neighbouring signals for which flags are raised.

This is clearly unlike Tsuchiya and Nakajima, taken singly or in combination with each other.

The Examiner states in regard to limitations recited in Claim 1 but not disclosed in Tsuchiya that Nakajima allegedly teaches them and points to paragraphs [0034] and [0042] for support.

However, Nakajima discloses in paragraph [0042] that (emphasis added):

*“[0042] Therefore, in the case of the above embodiment, by combining pixels at point-symmetric positions about a watched pixel and using only pixels which are both selected and thereby performing the averaging operation, an averaged signal phase is not deviated from the original position of the watched pixel and moreover, the possibility that generated image edges are disordered can be canceled.”*

That is, as the Examiner acknowledged Nakajima discloses that for both pixels symmetric (symmetric neighbouring signals) about a watched pixel (signal of attention), if the difference for either subtraction calculation is more than theta (threshold value), both pixels are not used in the average. In contrast, as claimed the neighbouring signals for which the level difference is greater than the threshold value are used in the weighted average but each of their level is replaced by that of the signal of attention.

Thus, Nakajima fails to fairly teach or suggest that “controlling and causing the weighted average unit to average by weight the signal of attention and the predetermined neighbouring signals, using the level of the signal of attention instead of the level of each of the neighbouring signals for which flags are raised”, as required by Claim 1.

Therefore, Tsuchiya and Nakajima may not properly be combined to reject Claim 1. Therefore, Claim 1 is patentable over these two references, as are dependent Claims 2 – 3, for at least the same reasons.

Independent Claims 4 - 6, amended to recite the same distinguishable limitation as that of Claim 1, are also patentable over Tsuchiya and Nakajima.

Accordingly, Applicant respectfully requests that these claim rejections be withdrawn.

### III. Conclusion

In view of the above amendments and remarks, Applicant submits that Claims 1 – 6 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

If the claims are not found to be in condition for allowance, the Examiner is requested to contact the undersigned to schedule an interview before the mailing of the Office Action. Any communication initiated by this paragraph should be deemed an Applicant initiated interview

Respectfully submitted,

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